

REMARKS

I. Introduction

In response to the pending Office Action, for the reasons set forth below, Applicants respectfully submit that the pending rejection should be withdrawn.

II. The Rejection Of The Claims Under 35 U.S.C. §§ 102 And 103

Claims 8, 10 and 11 were rejected under 35 U.S.C. § 102 as being anticipated by USP Publication No. 2002/0022290 A to Kong. In addition, claims 4-7 and 13 were rejected under 35 U.S.C. § 103 as being obvious over Kong in view of USP No. 5,290,393 to Nakamura.

Each of the foregoing rejections is traversed. Specifically, submitted herewith is a declaration pursuant to 37 C.F.R. § 1.131 establishing that the present invention was conceived in Japan (a WTO country) prior to October 14, 1999, which is the earliest possible effective filing date of the Kong reference. As noted in the declaration, this fact is evidenced by the attached draft Japanese patent application, corresponding to the above-identified application, which was submitted to the Applicants' IP department for review prior to the October 14, 1999 date. Due diligence was exercised from prior to Kong's filing date of October 14, 1999 to the filing date of the above-identified application. Thus, Kong may not be properly relied upon as prior art under 35 U.S.C. § 102(e) or 103 with respect to the present invention.

Accordingly, as each rejection currently pending relies upon Kong, it is respectfully submitted that the pending rejection must be withdrawn.

III. Request For Notice Of Allowance

Having fully and completely responded to the Office Action, Applicants submit that all of the claims are now in condition for allowance, an indication of which is respectfully solicited.

If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, the Examiner is requested to call Applicants' attorney at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT, WILL & EMERY

Date: _____

9/5/03

By: _____

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